

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule LSA Document #15-386

DIGEST

Adds 410 IAC 15-1.1-18.5 to include the definition of “Qualified Dietitian,” and amends 410 IAC 15-1.5-1 to comply with the conditions of participation in food and dietetic services as required by HEA 1157 and 42 CFR 482.28. Amends 410 IAC 17-9-20 by updating the definition of “Medication Assistance” to comply with SEA 358. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

410 IAC 15-1.1-18.5; 410 IAC 15-1.5-1; 410 IAC 17-9-20

SECTION 1. 410 IAC 15-1.1-18.5 IS ADDED TO READ AS FOLLOWS:

410 IAC 15-1.1-18.5 “Qualified Dietitian” defined

Authority: IC 16-21-1-7

Affected: IC 16-21-1

Sec. 18.5. “Qualified Dietitian” means an individual as defined in IC 25-14.5-1-15.

SECTION 2. 410 IAC 15-1.5-1 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-1.5-1 "Dietetic Services"

Authority: IC 16-21-1-7

Affected: IC 16-21-1

Sec. 1. (a) The hospital shall have organized food and dietary services that are directed and staffed by adequate, qualified personnel, or a contract with an outside food management company that meets the minimum standards specified in this section.

(b) The food and dietetic service shall have the following:

(1) A full-time employee who:

(A) serves as director of the food and dietetic services; and

(B) is responsible for the daily management of the dietary services.

(2) A qualified dietitian, full-time, part-time, or on a consulting basis. If a consultant is used, he or she shall:

(A) submit periodic written reports on the dietary services provided; and

(B) provide the number of on-site dietitian hours commensurate with:

(i) the type of dietary supervision required;

- (ii) the bed capacity; and
 - (iii) the complexity of the patient care services.
- (3) Administrative and technical personnel competent in their respective duties.
- (c) The dietary service shall do the following:
 - (1) Provide for liaison with the hospital medical staff for recommendations on dietetic policies affecting patient treatment.
 - (2) Correlate and integrate dietary care functions with those of other patient care personnel which include, but are not limited to, the following:
 - (A) Patient nutritional assessment and intervention.
 - (B) Recording pertinent information on the patient's chart.
 - (C) Conferring with and sharing specialized knowledge with other members of the patient care team.
 - (d) Menus shall meet the needs of the patients as follows:
 - (1) Therapeutic diets shall be prescribed by the practitioner responsible for the care of the patient, **or by a qualified dietitian as authorized by the medical staff.**
 - (2) Nutritional needs shall be met in accordance with recognized dietary standards of practice and in accordance with the orders of the responsible practitioner or **qualified dietitian.**
 - (3) A current therapeutic diet manual approved by the dietitian and medical staff shall be readily available to all medical, nursing, and food service personnel.

(Indiana State Department of Health; 410 IAC 15-1.5-1; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1267; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Jul 14, 2011, 11:42 a.m.: 20110810-IR-410110253RFA)

SECTION 3. 410 IAC 17-9-20 IS AMENDED TO READ AS FOLLOWS:

410 IAC 17-9-20 “Medication Assistance” defined

Authority: IC 16-27-1-7

Affected: IC 16-27-1

Sec. 20. “Medication Assistance” means the provision of assistance:

- (1) through providing reminders or cues to take medication, the opening of pre-set medication containers, and providing assistance in the handling or ingesting of ~~noncontrolled substances~~ medications, including **controlled substances, prescription drugs**, eye drops, herbs, supplements, and over-the-counter medications; and
- (2) to an individual who is unable to accomplish the task due to an impairment and who is:
 - (A) competent and has directed the services; or
 - (B) incompetent and has the services directed by a competent individual who may consent to health care for the impaired individual.

(Indiana State Department of Health; 410 IAC 17-9-20; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)